

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RONALD LAMONT DAVIS #223815,

Plaintiff,

v.

Case No. 1:15-CV-863

TONYA LAMP and
UNKNOWN PARTIES,

HON. GORDON J. QUIST

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff, Ronald Lamont Davis, filed a civil rights action against Defendants Tonya Lamp and Unnamed Parties on August 26, 2015. (ECF No. 1.) On April 21, 2017, Lamp filed a motion for summary judgment. (ECF No. 34.) Magistrate Judge Phillip Green issued a Report and Recommendation (R & R) on December 22, 2017, recommending that the Court grant Lamp's motion as to all of Davis' federal claims except his First Amendment retaliation claim, and that the Court decline to exercise supplemental jurisdiction over Davis' state law claims. (ECF No. 39.) Lamp filed an objection to the R & R on January 8, 2018. (ECF No. 40.) Davis filed a response and supplement to his response on January 22, 2018. (ECF No. 41, 42.)

Pursuant to Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1), a party "may serve and file specific written objections" to the R & R within 14 days of service of the R & R, and the Court is to consider any objections properly made. As Davis noted in his response, Lamp filed her objection more than 14 days after the R & R was issued.¹ Therefore, Lamp's objections

¹ Objections to the R & R were due January 5, 2018, and Davis filed hers on January 8, 2018. She did not request an extension of time to file from the Court.

are deemed waived. *See Keeling v. Warden, Lebanon Corr. Inst.*, 673 F.3d 452, 458 (6th Cir. 2012). Even if the objections had been timely, the Court also finds them to be without merit.

Davis did not file objections to the R & R, in fact stating that he agrees with the magistrate judge's findings "and believes that they should be upheld." Because he did not object, any objection on his part is deemed waived. *Thrower v. Montgomery*, 50 F. App'x 262, 263–64 (6th Cir. 2002).

Therefore,

IT IS HEREBY ORDERED that the Magistrate Judge's Report and Recommendation (ECF No. 39) is **APPROVED AND ADOPTED** as the Opinion of this Court, and Defendant's Objections (ECF No. 40) are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment (ECF No. 34) is **GRANTED** as to Plaintiff's Counts One and Two and **DENIED** as to Plaintiff's Counts Three through Nine.

IT IS FURTHER ORDERED that Plaintiff's state law claims, Counts Four through Nine, are **dismissed without prejudice**.

The case will continue on Count Three, Plaintiff's First Amendment retaliation claim.

Dated: March 2, 2018

/s/ Gordon J. Quist

GORDON J. QUIST
UNITED STATES DISTRICT JUDGE